

**RESOLUTION NO. 712 -2020, AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A FOREIGN TRADE ZONE OPERATING AGREEMENT WITH AISTON, LLC DBA AISTON FINE ART SERVICES**

**WHEREAS**, a Foreign Trade Zone (FTZ) is a designated location in the United States where eligible companies can access benefits that help encourage U.S. business activity in competition with foreign alternatives; and

**WHEREAS**, the fundamental benefit of the Foreign Trade Zone program is to allow U.S.-based companies the ability to defer, reduce and/or eliminate customs duties on products admitted to a zone, without effect on a company's tax or other legal liabilities in the County and State; and

**WHEREAS**, pursuant to Order No. 150 issued by the U.S. Foreign Trade Zones Board ("FTZ Board") on December 13, 1979, Suffolk County received approval to administer a foreign trade zone, in Islip, New York, adjacent to the New York City Customs port of entry, designated as Foreign-Trade Zone 52 ("FTZ 52"); and

**WHEREAS**, in 2009 the FTZ Board adopted the Alternative Site Framework ("ASF") (15 CFR Sec. 400.2) as an option for the establishment or reorganization of zones; and

**WHEREAS**, pursuant to Resolution No. 198-2013, Suffolk County applied to the FTZ Board, and was granted authority to re-organize under the ASF, allowing the County to apply for ASF Usage Driven Designation for eligible companies without the current lengthy federal review and boundary modification process; and

**WHEREAS**, a location that has been granted ASF Usage Driven Designation may not be used for zone activity until the site has been separately approved for FTZ activation by local U.S. Customs and Border Protection (CBP) officials, which supervise zone activity. FTZ sites and facilities remain under the jurisdiction of local, state or federal governments or agencies; and

**WHEREAS**, Aiston LLC dba Aiston Fine Art Services, 150 Executive Drive, Edgewood, NY 11717; will use the FTZ to allow artworks to be transferred to the US and await final decisions on ownership and ultimate destination; and

**WHEREAS**, on behalf of Aiston LLC dba Aiston Fine Art Services, Suffolk County, applied to the U.S. Foreign-Trade Zones Board seeking a minor boundary modification to FTZ 52, allowing for ASF Usage Driven Designations for 150 Executive Drive, Edgewood, NY 11717; and

**WHEREAS**, a detailed Operating Agreement between Suffolk County and the Operators of ASF Usage Driven sites is a necessary and prudent measure used by Suffolk County to minimize risk and liability, outlining the Operator's responsibilities under the FTZ program, ensuring proper compliance with United States Code as well as sufficient and proper compliance with County insurance and U.S. Customs Bond requirements; now, therefore be it

**1<sup>st</sup>**           **RESOLVED**, that, subject to the approval of U.S. Foreign-Trade Zones Board of the application for ASF Usage Driven Designations for the site, the County Legislature hereby authorizes the County Executive or his designee to execute an Operating Agreement on behalf of the County of Suffolk with Aiston LLC dba AISTON FINE ART SERVICES or their designee, providing for their usage of Suffolk County’s Foreign Trade Zone #52 under the Alternative Site Framework, and in substantially the same form annexed hereto as Exhibit “A”; and be it further

**2<sup>nd</sup>**           **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act (“SEQRA”), N.Y. Environmental Conservation Law Article 8 and Chapter 450 of the Suffolk County Code, hereby finds and determines that the adoption of this resolution constitutes a Type II action pursuant to Section 617.5(c)(20) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (“NYCRR”) in that the action constitutes routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment. As such, this Legislature has no further responsibilities under SEQRA. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: October 6, 2020

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: October 8, 2020